

AMENDED IN ASSEMBLY MAY 2, 2005

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1705**

**Introduced by Assembly Member Keene**

February 22, 2005

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An act to amend ~~Sections 4526 and 4628~~ *Section 4526* of the Public Resources Code, relating to forestry.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1705, as amended, Keene. Forestry: timber harvesting plans.

The existing Z'berg-Nedjedly Forest Practice Act of 1975 requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations for each forest and fire protection district in accordance with the policies set forth in the act. The act defines "timberland," for purposes of its provisions, to mean land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

This bill would eliminate Christmas trees from that definition of "timberland," and would specify that timberland does not include a parcel of land less than one acre, or a parcel of land less than 3 acres that was created under lead agency authority of a city and county, and the approval of which is subject to the California Environmental Quality Act (CEQA).

~~The existing act allows the exemption by regulation from its provisions of the removal of trees for subdivision development, except on lands zoned as a timberland production zone, as provided, and as~~

~~defined in a specified provision regulating lands zoned as timberland, where the subdivision has had a tentative subdivision map approved and a subdivision use permit granted by the city or county having jurisdiction, if the removal of trees is consistent with the purposes of the act.~~

~~This bill would additionally allow the exemption, by regulation, from the provisions of the act, under similar conditions, of any other locally approved project.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4526 of the Public Resources Code is  
2 amended to read:

3 4526. "Timberland" means land, other than land owned by  
4 the federal government and land designated by the board as  
5 experimental forest land, which is available for, and capable of,  
6 growing a crop of trees of any commercial species used to  
7 produce lumber and other forest products. Commercial species  
8 shall be determined by the board on a district basis after  
9 consultation with the district committees and others.  
10 "Timberland" does not include a parcel of land less than one  
11 acre, or a parcel of land less than three acres that was created  
12 under lead agency authority of a city or county, and the approval  
13 of which was subject to Division 13 (commencing with Section  
14 21000).

15 ~~SEC. 2. Section 4628 of the Public Resources Code is~~  
16 ~~amended to read:~~

17 ~~4628. (a) Notwithstanding any provision of this article or of~~  
18 ~~Section 4581, no public agency shall be required to submit a~~  
19 ~~timber harvesting plan or file an application for conversion with~~  
20 ~~the board where the purpose of its timber operations is to~~  
21 ~~construct or maintain a right-of-way on its own or on any other~~  
22 ~~public property.~~

23 ~~(b) The removal of trees for subdivision development, or any~~  
24 ~~other locally approved project, except on lands zoned as a~~  
25 ~~timberland production zone pursuant to Section 51112 or 51113~~  
26 ~~of, and defined in subdivision (g) of Section 51104, of the~~  
27 ~~Government Code, may be exempted by regulation from this~~

1 ~~article, if the exemption is consistent with the purposes of this~~  
2 ~~chapter, and meets either of the following requirements:~~

3 ~~(1) The subdivision has a tentative subdivision map approved~~  
4 ~~and a subdivision use permit granted by the city or county having~~  
5 ~~jurisdiction.~~

6 ~~(2) The project was approved by a city or county in~~  
7 ~~compliance with the California Environmental Quality Act~~  
8 ~~Division 13 (commencing with Section 21000).~~

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